

Frequently Asked Questions:

Where can I go to apply for a Land Disturbing Permit?

Application forms are available at the Department of Community Development, 29 Ashby Street, Suite 310, Warrenton, VA 20186 or online at www.fauquiercounty.gov on the Community Development web page.

My neighbor is clearing behind his house without any E&S controls. Who do I call?

The Environmental Division at 540-422-8240.

Can I start work on my home prior to an initial E&S inspection?

No, you must call the Environmental Division at 540-422-8240 before beginning any land disturbing activity.

The common area in my subdivision does not have vegetation. Who is responsible?

Your homeowners association is generally responsible for the maintenance of all common areas.

I just moved into my new house and water is pooling in my backyard. Who do I call?

Contact your builder to correct any drainage problems. If the issues continue, please contact the Environmental Division at 540-422-8240.

I want to clear and grade a portion of my land for agricultural use. Do I need a Land Disturbing Permit?

Contact the Environmental Division at 540-422-8240 prior to clearing and grading to discuss the exceptions that exist for agricultural or forestal activities.



FAUQUIER COUNTY

Department of Community Development
Environmental Division

29 Ashby Street
Suite 310
Warrenton, VA 20186

Phone: 540-422-8240
Fax: 540-422-8201

Additional information available online at:
www.fauquiercounty.gov

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EROSION AND SEDIMENT CONTROL



Source: Bill Ruhsam

FAUQUIER COUNTY

Department of Community
Development
Environmental Division

Chapter 11 of the Fauquier County Code, as codified in Section 2-208 of the Design Standards Manual, requires that a Land Disturbing Permit be secured in advance of disturbing more than 10,000 square feet on a property. Section 208.4 establishes certain exemptions to the requirements of a Land Disturbing Permit, the most common being an agricultural or forestal activity (not including activity for agricultural buildings and/or roads).

******* NOTE: A ZONING PERMIT IS ALSO REQUIRED FOR ALL GRADING ACTIVITIES *******

Erosion:

Erosion occurs when rainfall and flowing surface water wear away soil and other materials. Soil erosion occurs naturally by action of wind, water, ice and gravity. This natural process has been accelerated by man-made activities. A typical construction site can erode at a rate as high as 100 to 500 tons of soil per acre per year.

Soil erosion is one of the biggest threats to the health of the Chesapeake Bay. Excessive sediment loads flowing into the Chesapeake Bay and its tributaries have become a major pollutant, adding stress to the aquatic life that depends on clean water for survival. Virginia State Law requires localities to regulate land disturbing activities to ensure proper erosion and sediment control measures are in place.



Silt fence protecting stream

The Environmental Division of the Fauquier County Department of Community Development is responsible for enforcing state regulations. This is accomplished by requiring submission of an approved Erosion and Sediment Control Plan prior to any land disturbance activity and inspecting the project until the site has been permanently stabilized.

Commercial & Subdivisions:

All projects with more than 10,000 square feet of disturbance require a Land Disturbing Permit. Once a Land Disturbing Permit has been approved and obtained by the owner, a pre-construction meeting is required before any disturbance may occur on the site. An Environmental Division inspector must inspect the erosion and sediment controls after they have been installed and prior to any land disturbing activity in order to verify compliance with the Virginia Erosion and Sediment Control Handbook.

State law mandates that inspections occur on an active project site every two weeks. After a site has been stabilized, but not yet covered with vegetation, the site is inspected on a monthly basis. After 90% of a site has been stabilized with vegetation, the project will be inspected on a quarterly basis for one year.

Environmental Division inspectors provide a report to the designated land disturber and project owner following each inspection.

If violations outlined in an inspector's report are not resolved within the required timeframe, a Notice of Violation will be sent to the property owner. Upon re-inspection of the site, if violations listed in the Notice of Violation have not been resolved, a Notice to Comply may be issued. At that point, failure to comply may result in the issuance of a Stop Work Order. If a Stop Work Order is issued ALL SITE ACTIVITY MUST CEASE until the site has been deemed in compliance with the State mandated erosion and sediment control requirements. In the event of a Stop Work Order, a reinstatement fee of 50% of the original LDP amount, as well as a compliance letter stating that that all issues have been resolved, is due before work may commence.

Rural Single Family Homes:

Construction of a single family home requires approval of a Land Disturbing Permit prior to issuance of a zoning/building permit for the home, if more than 10,000 square feet is to be disturbed. The 10,000 square feet of disturbance includes areas being cleared for a septic system and for any entrance or driveway.

Typically the law allows an Agreement in Lieu of a Plan, wherein the property owner agrees as part of the permit application to meet the minimum standards for erosion and sediment control as set forth in the Virginia Code. In some circumstances, such as construction on steep slopes or near a live watercourse, the Agreement in Lieu of a Plan option may not be available. This will be determined on a case-by-case basis.

Note: Failure to comply with E&S requirements may result in the issuance of a Stop Work Order, causing a delay in inspections from the Building Office, as well as a \$250 fee.



Source: Davis Reece Landscaping